

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MICHAEL PATRICK WHALEN,  
Defendant.

Case No.: 13-CR-697-GPC

**ORDER DENYING SECOND  
MOTION FOR REDUCTION OF  
SENTENCE**

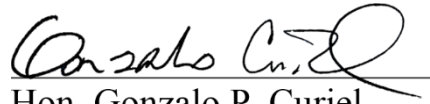
[ECF No. 64]

On July 22, 2016, Michael Patrick Whalen (“Defendant”) filed a motion for reduction of sentence pursuant to Amendment 782 (“Drugs Minus 2”), which, effective November 1, 2014, lowered the base offense levels for most drug quantities in USSG § 2D1.1(c), and made this change retroactive via Amendment 788. *See also* USSG § 1B1.10(c). On April 4, 2015, Defendant sent this Court a letter, which the Court construed as a motion for reduction of sentence pursuant to Amendment 782. (ECF No. 59.) On November 2, 2015, the Court denied Defendant’s initial motion for reduction of sentence. (ECF No. 62.) For the reason set forth in the Court’s previous order, Defendant is ineligible for modification of his sentence. Accordingly, the Court **DENIES** Defendant’s second motion for reduction of sentence pursuant to Amendment 782.

1 The Clerk of Court is instructed to send Defendant a copy of the Court's previous  
2 order (ECF No. 62) along with this order.

3 **IT IS SO ORDERED.**

4 Dated: August 3, 2016

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6 Hon. Gonzalo P. Curiel  
7 United States District Judge  
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